

AUG 16 2007

Appln. No. 10/814,989

Attorney Docket No. 8627-372
Client Reference No. PA-5270-CIP

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 1-23 remain pending.

Claim Rejections - 35 U.S.C. §103

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,944,728 to Bates (Bates) in view of U.S. Patent No. 6,599,296 to Gillick et al (Gillick).

The combination of *Bates* and *Gillick* fails to teach or suggest each and every element of independent claim 1. For example, claim 1 recites that the actuation section is connected to the elongate control member and includes "a retraction mechanism that biases the actuation section and hence the grasping portion towards a retracted state." The biased retraction mechanism of the claimed invention reduces physician fatigue since the physician need only exert an actuation force just prior to an item being grasped by the grasping portion. The physician merely releases the actuation section to retract the grasping portion and grasp the item because the biased retraction system acts as a resistive feed-back force. See specification of the present application, paragraph [0046].

As noted by the examiner *Bates* does not teach the actuation section according to claim 1. Rather, the examiner relies on *Gillick* to teach the actuation section. However, it is not clear how the examiner is relating the device in *Gillick* to the claimed invention. *Gillick* controls the movement of a sheath 26 through a series of movements to allow the physician to move the sheath 26 further than would ordinarily be possible with the single motion of one hand. (Col 5, Ln 19-29) As such,

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the actuation device 32 is not connected to the sheath 26 but merely engages it through a ratchet mechanism. Therefore, the actuation device 32 moves independently from the sheath 26 and slider 34. (Col 7, Ln 13) Therefore, while springs 58 and 60 may bias the actuation device 32, the actuation device 32 is not connected the sheath 26 and does not mean that the sheath 26 is biased into a retracted state. Rather, multiple motions would be necessary to retract the sheath 26 into the retracted state.

Further, the sheath 26 does not correspond to grasping portion of claim 1. Therefore, even if the sheath 26 were biased by the springs 58 or 60, *Gillick* does not teach that a grasping portion is biased into a retracted state, thereby achieving the grasping effect by allowing the physician release the actuation section. Accordingly, an actuation section with a biased retraction mechanism, as recited in claim 1 is not taught or suggested by the combination of *Bates* and *Gillick*. Thus, claim 1, is not rendered obvious by such combination.

Since claims 2-11 depend generally from claim 1, claims 2-11 are allowable for the reasons provided above.

Claims 12-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Bates* in view of *Gillick* and in view of U.S. Patent No. 5,098,440 to Hillstead (*Hillstead*).

Since claims 12-22 depend generally from claim 1, claims 12-22 are allowable for the reasons provided above. Further, applicants note that the examiner has not addressed many of the elements included in the dependent claims including, for example, the wire loops being joined to the elongate control member or that the wire loops include four transversely deploying loops.

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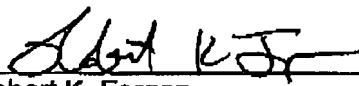
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The arguments provided in support of claim 1 are equally applicable to new claim 23. In addition, new claim 23 more tightly integrates the retracting of the grasping portion to the biasing of the of the actuation section further defining over ratcheting type arrangements.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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